

**TAYLOR VILLAGE FAMILY, LLC,\***

**BEFORE THE**

**PETITIONER**

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**PLANNING BOARD OF**

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**HOWARD COUNTY, MD**

**PLANNING BOARD CASE NO. 396**

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**DECISION AND ORDER**

On January 3, 2013, the Planning Board of Howard County, Maryland, in accordance with Section 107.E. of the Howard County Zoning Regulations, held a public hearing to consider the petition of Taylor Village Family, LLC for approval of a Preliminary Equivalent Sketch Plan (SP-12-003, Autumn Overlook) for a total of twenty (20) single-family detached (SFD) lots, four (4) open space lots and 2 public roads to be developed by the Petitioner, consisting of 11.71± acres of land zoned Residential: Environmental Development (R-ED). The subject site is located on the east side of College Avenue in the Second Election District of Howard County, Maryland, identified as Tax Map 25, Grid 14, Parcels 95, 56 and 309. Residential Parcels 234 (owned by Raymond & Patricia Sadler) and 48 (known as the Cotter Property- Lot 1) (owned by Geoffrey and Patricia Hermanstorfer) adjoin Parcel 95 to the northwest and Parcel 254 (owned by Christopher Schisler and Robert Stimmel) adjoins Parcel 95 to the north. Adjoining the subject property (Parcels 56 and 309) to the east are Parcels 250 and 253 (owned by the State of Maryland-Department of Forests and Parks). College Avenue abuts the project to the south. All adjoining properties are zoned R-ED.

The notice of the public hearing was published and the subject property was posted in accordance with the Planning Board's requirements, as evidenced by certificates of publication and posting, all of which were made a part of the record of the case.

Pursuant to the Planning Board's Rules of Procedure, the reports and official documents pertaining to the Petition were incorporated into the record of the hearing, including the Preliminary Equivalent Sketch Plan, Certificate of Advertising, Certification of Posting of the property, the General Plan of Howard County, the Fifth Edition of the Howard County Subdivision and Land Development Regulations, the Howard County Zoning Regulations and Zoning Map, the Comprehensive Zoning Plan dated February 2, 2004, the 2006 Comprehensive Lite Zoning Regulation Amendments, the Adequate Public Facilities Ordinance, the Howard County Design Manual, the Howard County Forest Conservation and Landscape Manuals, the Technical Staff Report of the Department of Planning and Zoning, and the Reports of the responding reviewing agencies. A list of exhibits introduced into evidence by the Petitioner at the hearing is attached to this Decision and Order as Attachment 1.

Joseph Rutter represented the Petitioner, the Taylor Village Family, LLC. No individuals testified in opposition or in favor to the petition. After careful evaluation of all the evidence accepted into the record, the Planning Board makes the following findings of fact and conclusions of law:

#### FINDINGS OF FACT

1. Tanya Krista-Maenhardt, AICP of the Department of Planning and Zoning ("DPZ") summarized DPZ's Technical Staff Report, which recommended approval of the Preliminary Equivalent Sketch Plan, subject to compliance with the Subdivision Review Committee (SRC) comments. Planning Board had no questions of Staff.

2. The Planning Board finds the Department of Planning and Zoning's evaluations, findings and conclusions to be convincing and persuasive and that the Petitioner met the criteria for approval of the Preliminary Equivalent Sketch Plan pursuant to Section 107.E. of the Zoning Regulations. The Board adopts DPZ's report as its own in making the findings of fact and conclusions contained in this decision.

3. Mr. Joseph Rutter, testified first for the Petitioner. He presented an overview of the history and evolution of the Preliminary Equivalent Sketch Plan testifying that the Preliminary Equivalent Sketch Plan meets the Criteria for Planning Board Approval per Section 107.E. of the Zoning Regulations.

4. Mr. Rob Vogel of Robert Vogel Engineering, Inc., testified next for the Petitioner. Mr. Vogel gave an overview of all components of the Preliminary Equivalent Sketch Plan, including certain environmental concerns, stormwater management, and the Capital Project J-4231 that will occur along College Avenue, which is considered a scenic right-of-way. Mr. Vogel also explained the three criteria that the Planning Board must consider when making their decision on the Preliminary Equivalent Sketch Plan.

5. Planning Board members expressed their concerns and opinions. First: Bill Santos commented in favor of the responsible design of the project overall. He asked about any impacts future retaining walls may have with proposed decks, especially for proposed Lots 1-6, which may have limited backyard area. He asked if the retaining walls should be shown, now, on the Preliminary Equivalent Sketch Plan. In response to this question, Mr. Vogel explained that it will be very difficult to correctly site a retaining wall at this time, due to the fact that the size and configuration of the future dwellings will not be known until the lot is purchased by the prospective lot owner. Second: Mr. Santos asked Mr. Vogel to explain the “plunge pool” as shown on Sheet 2 of the Plan. Mr. Vogel explained that this was a stormwater management device required under the County’s Capital Project J-4231 and it is not for any type of recreational use.

6. The Board finds that the Petitioner has established that its proposed Preliminary Equivalent Sketch Plan satisfies all the criteria of Section 107.E.6a. through c., and the Board makes the following findings of fact on these criteria based on the evidence in the record, including the evaluations, findings

and conclusions of the DPZ as contained in its Technical Staff Report, which the Board adopts as its own, as provided below:

a. The proposed subdivision plan is designed to effectively protect, preserve and minimize the limits of disturbances of the environmental resources on the property. The proposed layout of the subdivision has taken into account the environmental features on these parcels of land. Road alignments have been designed to avoid disturbances to environmental features. Proposed bio-retention facilities are configured to conform to the topography, accommodate environmental features and minimize the need for additional open space clearing. The majority of the wooded steep slope areas will be protected within forest retention easements located within the proposed Open Space lots. To facilitate the protection of forest and to fulfill the objectives of the R-ED zoning district, the sizes of the residential lots have been minimized and open space has been provided in excess of the required 50% obligation (5.86 acres required, 6.88 acres provided). These lots have been configured to help preserve specimen trees, forest resources and streams and are oriented to be contiguous with the adjacent State Park property. Per the Historic District Commission, there are no historic resources on site which are of quality to merit retention.

b. The proposed subdivision plan design has been determined adequate in taking advantage of the uniqueness of the site's topography and forests by minimizing the limits of clearing and grading necessary to construct houses, roads, stormwater management facilities and public utilities. The proposed lots, public roads and stormwater management facilities have been designed to minimize grading impacts and impacts to environmental features. Grading and clearing have been minimized to the extent possible while facilitating the development of the property. Tee-turnarounds have been utilized to reduce the development envelope and extent of grading. This has helped to meet the required forest conservation obligation by means of on-site forest retention and planting located on

Open Space lots. The proposed roads and houses have been oriented to take advantage of the existing grades.


c. The proposed subdivision plan maintains setbacks, landscape buffers and existing forested areas along the project boundaries to sufficiently buffer the development from the existing surrounding community and from College Avenue, a scenic road. The site has been designed to concentrate development in the non-wooded areas and wooded areas which are not impacted by environmental restrictions. The closest house (Lot 20) to College Avenue will be located 75 feet from the right-of-way and is oriented to the internal road, resulting in the smallest house dimension (the side) facing College Avenue. The proposed development will be buffered from College Avenue, a scenic road, by retention of certain treed areas and additional tree planting in the form of street tree landscaping, perimeter landscaping and mitigation for the loss of certain specimen trees. The State Park is located to the east and a large portion of that perimeter is located within a forest conservation retention easement. This site is not located within the Ellicott City Historic District.

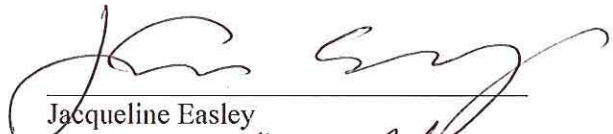
#### CONCLUSIONS OF LAW

The Petitioner has satisfied all of the criteria for the consideration of Preliminary Equivalent Sketch Plan petitions to be considered by the Planning Board in accordance with Section 107.E.6 of the Howard County Zoning Regulations based on the Board's Findings of Fact provided above and as outlined in the Technical Staff Report of the Department of Planning and Zoning. Therefore, in accordance with the testimony given and evidence in the record and based on the Findings of Facts and Conclusions of Law for Planning Board Case No. 396, the petition of Taylor Village Family, LLC for approval of 20 single-family detached residential lots, 4 open space lots, two public roads and other site improvements on 11.71 acres of land is this 17 day of January, 2013, **APPROVED** by the Planning Board of Howard County, subject to the following condition:

1. The petitioners must adequately address all remaining technical comments provided by the Subdivision Review Committee in a letter dated November 20, 2012 for SP-12-003, “Autumn Overlook”.

**HOWARD COUNTY PLANNING BOARD**

  
David Grabowski – Chairperson

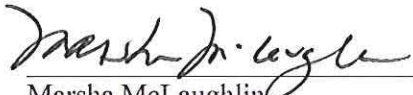
  
Jacqueline Easley

  
Bill Santos

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Josh Tzucker (not present)

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Paul Yelder (not present)

ATTEST:

  
Marsha McLaughlin  
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:  
HOWARD COUNTY OFFICE OF LAW  
MARGARET ANN NOLAN, COUNTY SOLICITOR

  
Paul T. Johnson  
Deputy County Solicitor

**Attachment 1**

**LIST OF PETITIONER'S EXHIBITS**

**PB-396 (Autumn Overlook)**

1. Paper copy of the Preliminary Equivalent Sketch Plan, SP-12-003, "Autumn Overlook"

**LIST OF PROTESTANT'S EXHIBITS**

1. There were no Protestants (and therefore no Exhibits) in opposition of this proposal.